

Before the
Federal Communications Commission
Washington, DC 20554

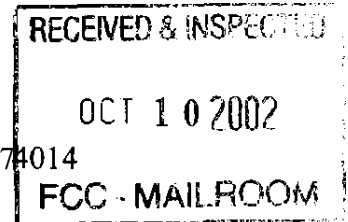
In the Matter of)
)
Requests for Waiver by)
)
Nederland Independent School District)
Nederland, Texas)
)
Wells Central School District)
Wells, New York)
)
Federal-State Joint Board on)
Universal Service)
)
Changes to the Board of Directors of the)
National Exchange Carrier Association, Inc.)

File No. SLD-274014

File No. SLD-261467

CC Docket No. 96-45

CC Docket No. 97-21 ✓



ORDER

Adopted: October 4, 2002

Released: October 7, 2002

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division are requests to waive FCC Form 471 filing deadlines established by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) for discount applications under the schools and libraries universal service mechanism.¹ The requests were filed by Nederland Independent School District (Nederland), Nederland, Texas, and Wells Central School District (Wells), Wells, New York.² For the reasons set forth below, we deny the Waiver Requests.

2. In both cases the applicant concedes it missed the SLD deadline for filing its FCC Form 471 on account of the acts or omissions of its employees. In Nederland, the responsible employee took pregnancy leave, and there was a "communication breakdown in [the] organization." In Wells, there was a "period of transition in our building with a new

¹ 47 C.F.R. §§ 54.502, 54.503

² Letter from Melissa J. Wong, Nederland Independent School District, to the Federal Communications Commission, filed March 1, 2002 (Nederland Request); Letter from Paul G. Williamsen, Wells Central School District, to the Federal Communications Commission, filed March 15, 2002 (Wells Request) (collectively, the Waiver Requests). Both applicants request a waiver of the Year 2001 filing deadline. Both applicants requested a waiver from SLD, both were denied, and both then filed these requests with the Commission. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Nederland Request

superintendent and a new person handling the E-Rate application process.”⁴ However, we have consistently held that personnel disruptions, employee medical conditions, or employee confusion or misunderstanding about SLD rules and deadlines do not rise to the level of special circumstances required for a waiver.⁵

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Waiver Requests filed by Nederland Independent School District, Nederland, Texas, and Wells Central School District, Wells, New York, on March 1 and March 15, 2002, respectively, **ARE DENIED**.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁴ Wells Request

⁵ *Request for Review by Easr Brunswick Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-276585, CC Docket Nos. 96-45 and 97-21, Order, **DA 01-2520** (Corn. Car. Bur. rel. Oct. 31, 2001) (denying waiver request in case when employee resigned “due to a medical condition” and new person did not know program requirements), and *Request for Review by New Orleans Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File Nos. SLD-201456, SLD-201463, SLD-201409, SLD-201449, SLD-201493, CC Docket Nos. **96-45** and 97-21, Order, 16 FCC Rcd 16653, para. 18 (Corn. Car. Bur. 2001) (denying waiver request in case where there were personnel disruptions and replacement of a sick employee skilled in the application process).